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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/797,084  | 03/11/2004  | Byeong-Duk An        | IK-0064             | 4357             |
| 34610   | 7590        | 03/09/2006           | EXAMINER            |                  |
| FLESHNER & KIM, LLP<br>P.O. BOX 221200<br>CHANTILLY, VA 20153 |             |                      | JACKSON, ANDRE L    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3677                |                  |
| DATE MAILED: 03/09/2006                                       |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                     |
|------------------------------|-------------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b>        | <b>Applicant(s)</b> |
|                              | 10/797,084                    | AN ET AL.           |
|                              | Examiner<br>Andre' L. Jackson | Art Unit<br>3677    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 December 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15,27-37 and 47-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15,27-37 and 47-51 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/04;10/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

*DETAILED ACTION*

*Election/Restrictions*

Applicant's election with traverse of Species I (claims 1-15, 27-37 and 47-51) in the reply filed on December 8, 2005 is acknowledged. The traversal is on the ground(s) that the restriction requirement is improper, in particular, applicant points out claims 1 and 16 are related as combination/subcombination. Further applicant indicates that the subject matter of each designated invention is related sufficiently and a thorough search of the elected invention would encompass the search of the non-elected invention causing no undue burden on the Examiner for consideration on the merits. This is not found persuasive because although claims 1 and 16 may be related as combination-subcombination, the subcombination is not essential to the combination. Applicant is directed to MPEP 806.05, the example under section I of AB br/Bsp, which point out that such a restriction is proper.

Further, the subject matter of the elected and non-elected inventions may be related but it has been shown that the elected invention has separate utility and the non-elected invention does not set forth all of the details of the elected invention, thus, the search and art recognized classification of the elected and non-elected inventions have different classifications and the search and examination of the elected invention does not necessary involve a search and examination for the non-elected invention. Some examples of the elected invention (subcombination) are a vehicle door hinge, an adjustable display stand and a swivel chair hinge, all of which is distinct and classified separately from applicant's non-elected invention (electronic device).

Therefore, the requirement is still deemed proper and is therefore made FINAL.

Claims 16-26 and 38-46 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention (electronic device), there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on December 8, 2005.

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15, 27-37 and 47-51 are rejected under 35 U.S.C. 102(e) as being anticipated by USPAP 2004/0012920 to Tanimoto et al. Tanimoto et al discloses a hinge mechanism comprising;

a first rotary shaft (20) configured to be rotatable about a substantially vertically extending axis; a base (13) in the shape of a partially cut out disc defining opposite ends having symmetrically cut outs (13d) and configured to be rotatable in a substantially horizontal plane by the first rotary shaft; a second rotary shaft (19), which is mounted on the base, at least a portion

(16) of which is configured to be rotatable about a substantially horizontally extending axis, which intersects with the first rotary shaft; and at least one elastic member (11) configured to limit elastically a rotation of the base or the second rotary shaft.

As to claims 3-7, the first and second rotary shafts are integrally formed with respect to the base, where the base is configured to be mounted on an electronic device including a main body (2) and a display unit (3), and the second rotary shaft is configured to be connected to the display unit. Grooves (13a) are configured to receive wirings of an electronic device.

As to claims 8-11, 30, 31 and 36 the hinge mechanism further including a mounting base (10) configured to be secured to the main body. The mounting plate comprises a cylinder (12) configured to receive the first rotary shaft, wherein the mounting base includes one or more fixing pins (23) configured to secure to the main body. Additionally, the cylinder includes a groove (12b), which mates with a projection (15), which limits rotation of the first rotary shaft.

As to claims 12-14, 32-35, 50 and 51 further a spring-loaded step (21) with a stepped section and an inclined guide portion (Fig. 4) is configured to releasably lock the base in a predetermined position. And a cover plate (14) is provided to cover the base and includes a housing (14a) to cover wirings. A second cover plate (22) is provided and fitted into a surface of the cover plate.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In particular, Yang et al, Tseng et al, Kang et al and Lin et al all disclose multi-axis rotary hinge assemblies including a first rotary shaft, a second rotary shaft and a base. These references may be used singly or in combination to meet the limitations of applicant's claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (9:30 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson  
Patent Examiner  
AU 3677



ROBERT J. SANDY  
PRIMARY EXAMINER

ALJ